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10/041,706	01/04/2002	Pauli Laine	944-003.016	5460

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

**Application No.**

10/041,706

**Applicant(s)**

LAINE, PAULI

**Examiner**

Jefferey F Harold

**Art Unit**

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8, 10-23, 27-29 and 31-39 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 9, 24-26, 30, 40 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-4, 6, 10-13, 18, 20-23, 27-29, 31, 32, and 36-39*** are rejected under 35 U.S.C. 102(e) as being anticipated by Oda (United States Patent 6,621,903).

Regarding **claim 1**, Oda discloses a telephone terminal device. In addition, Oda discloses a method for providing ringing tone for storage in a portable telephone, the method comprising the steps of: reproducing a sequence of melodies defined by melody data and duration; modifying the sequence according to the editing condition regarding the melody data and the duration of the musical notes within the sequence for providing a modified sequence; and repeating the modified sequence a number of times for providing a string of musical notes indicative of the ringing tone, as disclosed at column 5, line 43 through column 9, line 9 and exhibited in figures 1-4.

Regarding **claim 2**, Oda discloses everything claimed as applied above (see claim 1), in addition, Oda discloses storing digital data indicative of the modified sequence in a computer readable medium; and retrieving the digital data from the computer readable medium prior to repeating the modified sequence so as to allow the

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repeating step to form the string of melodies based on the digital data, as disclosed at column 5, line 43 through column 9, line 9 and exhibited in figures 1-4.

Regarding **claim 3**, Oda discloses everything claimed as applied above (see claim 1), in addition, Oda discloses the step of converting the sting of melody data in an audible form indicative of the ringing tone, as disclosed at column 5, line 43 through column 9, line 9 and exhibited in figures 1-4.

Regarding **claim 4**, Oda discloses everything claimed as applied above (see claim 2), in addition, Oda discloses the step of converting the sting of melody data in an audible form indicative of the ringing tone, as disclosed at column 5, line 43 through column 9, line 9 and exhibited in figures 1-4.

Regarding **claim 6**, Oda discloses everything claimed as applied above (see claim 1), in addition, Oda discloses wherein the duration of at least one note in the sequence of musical notes is chosen within a range of time duration, as disclosed at column 5, line 43 through column 9, line 9 and exhibited in figures 1-4.

Regarding **claim 10**, Oda discloses everything claimed as applied above (see claim 1), in addition, Oda discloses storing digital data indicative of the string of musical notes in a memory (13), retrieving the digital data from the memory (13), converting the digital data into an audible form indicative of the ringing tone, as disclosed at column 5, line 43 through column 9, line 9 and exhibited in figures 1-4.

Regarding **claim 11**, Oda discloses everything claimed as applied above (see claim 1), in addition, Oda discloses wherein the generating step is initiated by a user of

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the communication device, as disclosed at column 5, line 43 through column 9, line 9 and exhibited in figures 1-4.

Regarding **claim 12**, Oda discloses everything claimed as applied above (see claim 2), in addition, Oda discloses wherein the steps a-c are repeated for producing a plurality of different modified sequences for allowing a user of the communication device to select one of the plurality of different modified sequences for forming the string of musical melodies as the ringing tone indicative of an event in the communication device, as disclosed at column 5, line 43 through column 9, line 9 and exhibited in figures 1-4.

Regarding **claim 13**, Oda discloses everything claimed as applied above (see claim 12), in addition, Oda discloses wherein the communication device is a telephone and the event is indicative of an incoming telephone call, as disclosed at column 5, line 43 through column 9, line 9 and exhibited in figures 1-4.

Regarding **claim 18**, Oda discloses everything claimed as applied above (see claim 12), in addition, Oda discloses wherein the modification rules are stored in a computer readable medium in a form of a computer program for modifying the sequence, as disclosed at column 5, line 43 through column 9, line 9 and exhibited in figures 1-4.

Regarding **claims 20-23, 27-29, 31, 32, and 36-39**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-4, 6, 10-13, and 18.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 14-17 and 33-35*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda in view of well know prior art (MPEP 2144.03).

Regarding **claim 14**, Oda discloses everything claimed, as applied above, (see claim 12), however, Oda fails to disclose means for storing a voice message and the event is indicative of the stored voice message. However, the examiner takes official notice of the fact that it was well know in the art to provide means for storing a voice message and the event is indicative of the stored voice message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Oda by specifically providing means for storing a voice message and the event is indicative of the stored voice message, for the purpose of storing voice mail messages and providing audible indication to the user that a voice mail message is waiting to be listened to.

Regarding **claim 15**, Oda disclose everything claimed, as applied above, (see claim 12), however, Oda fails to disclose a personal digital assistant and the event is indicative of a message. However, the examiner takes official notice of the fact that it

was well known in the art to provide a personal digital assistant and the event is indicative of a message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Oda by specifically providing a personal digital assistant and the event is indicative of a message, for the purpose of providing a combined PDA/telephone and providing audible indication to the user that a voice mail message is waiting to be listened to.

Regarding **claim 16**, Oda discloses everything claimed, as applied above, (see claim 12), however, Oda fails to disclose wherein the communication device is a PDA and the event is indicative of a scheduled event in a calendar. However, the examiner takes official notice of the fact that it was well known in the art to provide wherein the communication device is a PDA and the event is indicative of a scheduled event in a calendar.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Oda by specifically providing wherein the communication device is a PDA and the event is indicative of a scheduled event in a calendar, for the purpose of providing a combined PDA/telephone and providing audible indication to the user that a scheduled calendar event is upcoming.

Regarding **claim 17**, Oda discloses everything claimed, as applied above, (see claim 12), however, Oda fails to disclose wherein the communication device is an electronic organizer and the event is indicative of a scheduled event for reminding the user of the scheduled event. However, the examiner takes official notice of the fact that

it was well known in the art to provide wherein the communication device is an electronic organizer and the event is indicative of a scheduled event for reminding the user of the scheduled event.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Oda by specifically providing wherein the communication device is an electronic organizer and the event is indicative of a scheduled event for reminding the user of the scheduled event, for the purpose of providing a combined PDA/telephone and providing audible indication to the user that a scheduled calendar event is upcoming.

Regarding **claims 33-35**, Oda discloses everything claimed as applied above (see claim 31), in addition, claims 33-35 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 14-17.

#### ***Allowable Subject Matter***

3. ***Claims 5, 7, 9, 19, 24-26, 30, 40 and 41*** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims ***1-4, 6, 10-18, 20-23, 27-29, and 31-39*** have been considered but are moot in view of the new ground(s) of rejection.



**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
December 21, 2004



Jefferey F Harold  
Examiner  
Art Unit 2644